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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/616,255   | 07/09/2003  | Gerhard Spekowius    | PHD 98164A          | 8008             |
| 24737  | 7590        | 01/31/2006           | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                      | CHOW, DOON Y        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2677                |                  |

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/616,255 | <b>Applicant(s)</b><br>SPEKOWIUS ET AL. |  |
|                              | <b>Examiner</b><br>Dennis-Doon Chow  | <b>Art Unit</b><br>2677                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-9 and 11 is/are allowed.
- 6) ☐ Claim(s) 3,4 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-9-03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6618056.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claimed invention is a broader version of the patented claimed invention. The following is an example for comparing claim 1 of the present claims and claim 1 of the patent claims.

| Claim 1 of the present claims  | Claim 1 of the patented claims   |
|--|--|
| A display device for displaying gray tone images with a monitor (31) driven by s | A display device for correcting a brightness distribution of gray tone images displayed by a monitor driven by a |

electron rays, characterized in that a correction unit (33) is provided for generating s output image signals A.sub.s, which comprise gray tone values forming part of a set K of correction gray tones, from an image signal (34) which contains gray tone values forming part of a set M of original gray tones (23), and in that said s output image signals A.sub.s, after a D/A conversion, are designed to be supplied each to an electron ray of the monitor for a brightness-corrected display of a gray tone in a point of the monitor (31).

plurality of electron rays, said display device comprising: a correction unit operable to generate a plurality of output digital image signals in response to a reception of an input digital image signal representative of a set of gray tone values, each output digital image signal representative of a set of correction gray tone values corresponding to the set of gray tone values of the input digital image signal, the correction gray tone values collectively being representative of a correction of a brightness distribution of the gray tone values; and a digital-to-analog conversion unit operable to convert the output digital image signals into a plurality of output analog image signals, said digital-to-analog conversion unit further operable to provide each output digital image signal to one of the electron rays whereby the brightness distribution of the gray tone images displayed by the monitor is corrected; and a photosensor operable to measure an ambient light surrounding the monitor and to communicate the measured ambient light to said correction unit.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiya et al (5155478) in view of Zenda (5386577).

Regarding to claim 1, Sekiya discloses a display device for displaying gray tone images with a monitor driven by electron rays, characterized in that a correction unit (40 Fig. 1) is provided for generating output image signals, which comprise gray tone values forming part of a set of correction gray tones, from an image signal which contains gray tone values forming part of a set of original gray tones (col. 2, line 64 to col. 3, line 40), and in that the output image signals are designed to be supplied each to an electron ray of the monitor (PDP, Fig. 1). Sekiya does not explicitly disclose a D/A converter for converting the output image signals before being applied to the monitor (PDP). Zenda, in the same display field, discloses a display device comprising a D/A converter (55d, Fig. 2) for converting digital signal data to analog signal data before being applied to a PDP display. In light of Zenda, it would have been obvious to one of ordinary skill in the art to use Zenda D/A converter in Sekiya display device for converting the image signals into analog image signals so that the image signal can be displayed in a PDP display which requires analog signal data.

Regarding to claim 2, Sekiya further discloses the correction unit for the supply of an n-bit wide image signal (col. 3, lines 10-23), which comprises  $2^{sup.n}$  possible gray tone values (col. 3, lines 1-23), and correction sets with each  $2^{sup.n}$  gray tone values are provided (col. 3, lines 1-23), and in that the correction unit is designed for assigning

to each gray tone value from among the original gray tones one gray tone value from each of the correction sets.

Regarding to claim 6, Sekiya discloses the correction unit is designed for calculating luminance values, but does not explicitly disclose calculating luminance curves. However, it is considered a matter of obvious design choice to form the luminance values in the luminance curves because this does not provide any unexpected result.

Regarding to claim 7, Sekiya further disclose a memory (Tin; col. 3, lines 41-53) for storing the image signal and for transferring the image signal to the correction unit is provided.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiya and Zenda as applied to claims 1-2 and 6-7 above, and further in view of Newman (3649755).

Sekiya does not disclose the use of sensor means.

Newman, in the same display field, discloses using a photo-sensor means for sensing a brightness of a display means and the ambient light surrounding the display means for automatically adjusting the brightness of the display means.

In light of Newman, It would have been obvious to one of ordinary skill in the art to use Newman's photo-sensor means in Sekiya's display device because of the same purpose as taught by Newman, which is automatically adjusting the brightness of the monitor.

6. Claims 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA).

Regarding to claim 8, AAPA discloses a display device for rendering gray tone images with a triple-gun monitor driven by three electron rays (col. 1, lines 18-25), characterized in that a correction unit (11, Fig. 1) for generating corrected output image signals from a set of original gray tones of an image signal is provided (col. 1, line 63 to col. 2, line 14) , and in that the output image signals, after a digital/analog conversion (12, Fig. 1), are designed to be fed to the triple-gun monitor for being jointly pictured on a pixel for a brightness-corrected display of the gray tone on the triple-gun monitor (col. 1, lines 18-25; col. 1, line 63 to col. 2, line 14).

AAPA does not explicitly disclose generating three corrected output image signals, and each of the image signals is designed to be fed to one electron ray of the triple gun monitor. However, AAPA discloses the triple gun monitor, which comprising triple guns for generating three electron rays. Thus, it would have been obvious to one of ordinary skill in the art that three corrected output image signals must be generated for the three guns/electron rays, each of which to be fed to each of the three guns/electron rays.

Regarding to claim 9, the display device inherently comprises a three channel color graphic card for generating color image signals.

Regarding to claim 11, AAPA further discloses the images are displayed as gray tone images in medical technology for diagnostic purposes (col. 1, lines 11-17).

***Allowable Subject Matter***

7. Claims 3, 4, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

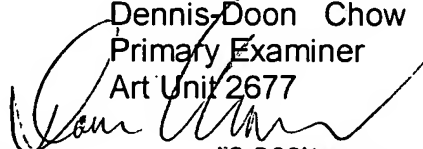
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Chow  
November 30, 2005

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Primary Examiner  
Art Unit 2677  
  
DENNIS-DOON CHOW  
PRIMARY EXAMINER